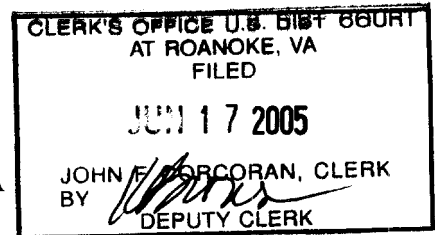


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



LINDA HOLLIDAY,
Plaintiff,

v.

KAREN CHASE, and
VIRGINIA EMPLOYMENT
COMMISSION
Defendant.

Civil Action No. 7:05CV00114

MEMORANDUM OPINION AND
ORDER

By: Samuel G. Wilson
United States District Judge

This matter is before the court on the defendants' motion to dismiss for improper service. The plaintiff, Linda Holliday, served process on the Attorney General of Virginia on April 15, 2005. The defendants contend that service on the attorney general was improper under Virginia law, see Va. Code § 8.01-300(3),¹ and seek dismissal pursuant to Federal Rules of Civil Procedure 12(b)(4) and 12(b)(5). Meanwhile, on May 31, 2005, Holliday properly served process on the Virginia Employment Commission. Because Holliday has cured the defective service by effecting service on the Commission, the defendants' motion to dismiss is moot. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the defendants' motion to dismiss is **DENIED**.

ENTER: This 17th day of June, 2005.


UNITED STATES DISTRICT JUDGE

¹ The proper recipient must be the "chief executive officer" of the Commission or "director, commissioner, ... attorney, or any member of the governing body of such entity."